



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 21, 2011

## House File 79 - Introduced

HOUSE FILE  
BY LYKAM and TJEPKES

### A BILL FOR

1 An Act concerning a study of the unlawful use of persons with  
2 disabilities parking spaces.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1415YH (4) 84  
dea/nh



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House File 79 - Introduced continued

PAG LIN

1 1 Section 1. PARKING FOR PERSONS WITH DISABILITIES VIOLATORS  
1 2 ==== STUDY AND REPORT. The department of transportation shall  
1 3 conduct a study relating to the unlawful use of persons with  
1 4 disabilities parking spaces, with the purpose of addressing the  
1 5 fraudulent use of persons with disabilities parking placards,  
1 6 registration plates and stickers, and parking cones. The  
1 7 department may invite interested parties to participate in the  
1 8 study, including but not limited to representatives from the  
1 9 department of human services, the department of public safety,  
1 10 law enforcement agencies, the business community, and the  
1 11 general public. On or before December 1, 2011, the department  
1 12 shall issue a report to the general assembly containing the  
1 13 results of the study and recommendations to reduce the abuse of  
1 14 persons with disabilities parking privileges.

1 15 EXPLANATION

1 16 This bill requires the department of transportation to  
1 17 conduct a study relating to the unlawful use of persons  
1 18 with disabilities parking spaces, specifically addressing  
1 19 the fraudulent use of persons with disabilities parking  
1 20 placards, registration plates and stickers, and parking  
1 21 cones. The department is required to report its findings and  
1 22 recommendations to the general assembly on or before December  
1 23 1, 2011.

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dea/nh



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**House File 80 - Introduced**

HOUSE FILE

BY ISENHART, LENSING,  
WESSEL-KROESCHELL,  
STECKMAN, KELLEY,  
KRESSIG, MURPHY,  
GASKILL, and WINCKLER

**A BILL FOR**

1 An Act requiring the department of natural resources to  
2 produce, and submit to the general assembly, a product  
3 stewardship report.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1293YH (7) 84  
tm/nh



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1 1 Section 1. NEW SECTION. 455B.861 Product stewardship ====  
1 2 report.  
1 3 1. By January 15 of each year, the department may submit  
1 4 to the general assembly a report on products and product  
1 5 categories that when generated as waste may be appropriately  
1 6 managed under a product stewardship program. The report should  
1 7 include proposed changes to the Code necessary to implement the  
1 8 recommendations in the report. The report shall not consider  
1 9 or include motor vehicles or watercraft. The department may  
1 10 identify a product or product category as a candidate for a  
1 11 product stewardship program if the department determines one or  
1 12 more of the following criteria are met:  
1 13 a. The product or product category is found to contain  
1 14 toxics that pose the risk of an adverse impact to the  
1 15 environment or public health and safety.  
1 16 b. A product stewardship program for the product would  
1 17 increase the recovery of materials for reuse and recycling.  
1 18 c. A product stewardship program for the product would  
1 19 reduce the costs of waste management to local governments.  
1 20 d. Other states or countries have successfully collected and  
1 21 processed similar products under product stewardship programs.  
1 22 e. Existing voluntary product stewardship programs for the  
1 23 product in the state are not effective in achieving solid waste  
1 24 reduction.  
1 25 2. At least thirty days prior to submitting the report to  
1 26 the general assembly, the department shall conduct a public  
1 27 hearing regarding the proposed report. The department shall  
1 28 make the proposed report publicly available through the  
1 29 internet at least one week prior to the date of the public  
1 30 hearing. The department shall accept both written and oral  
1 31 testimony regarding the proposed report and shall include  
1 32 all testimony as part of the report submitted to the general  
1 33 assembly.  
1 34 3. For purposes of this section, unless the context  
1 35 otherwise requires:



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- 2 1 a. "Brand" means a name, symbol, word, or mark that  
2 2 identifies a product, rather than its components, and  
2 3 attributes the product to the owner of the brand.  
2 4 b. "Producer" means a person that does any of the following:  
2 5 (1) Has legal ownership of the brand of a product sold in  
2 6 the state.  
2 7 (2) Imports a product branded by a person that meets the  
2 8 requirements of subparagraph (1) and has no physical presence  
2 9 in the United States.  
2 10 (3) Sells a product in the state at wholesale or retail,  
2 11 does not have legal ownership of the brand of the product and  
2 12 elects to fulfill the responsibilities of the producer for that  
2 13 product.  
2 14 c. "Product" means an item intended for sale within the  
2 15 state.  
2 16 d. "Product category" means a group of similar products.  
2 17 e. "Product stewardship program" means a program financed  
2 18 without a visible fee at purchase which is either managed or  
2 19 provided by producers and includes but is not limited to the  
2 20 collection, transportation, reuse, and recycling or disposal,  
2 21 or both, of unwanted products.  
2 22 f. "Unwanted product" means a product that has been  
2 23 abandoned or discarded or is intended to be discarded by its  
2 24 owner.

2 25 EXPLANATION

2 26 This bill allows the department of natural resources to  
2 27 submit a product stewardship report to the general assembly by  
2 28 January 15 of each year. The report is required to identify  
2 29 products and product categories that when generated as waste  
2 30 may be appropriately managed under a product stewardship  
2 31 program. A product stewardship program is defined as a program  
2 32 financed without a visible fee at purchase which is either  
2 33 managed or provided by producers and includes but is not  
2 34 limited to the collection, transportation, reuse, and recycling  
2 35 or disposal, or both, of unwanted products.

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tm/nh



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## House File 81 - Introduced

HOUSE FILE  
BY ISENHART and WILLEMS

### A BILL FOR

1 An Act relating to the use of school district physical  
2 plant and equipment levy revenue and statewide school  
3 infrastructure funding.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1295YH (12) 84  
md/sc



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1 1 Section 1. Section 297.22, subsection 2, paragraph a, Code  
1 2 2011, is amended to read as follows:

1 3 a. The board of directors of a school district may sell,  
1 4 lease, exchange, give, or grant, and accept any interest  
1 5 in real property to, with, or from a county, municipal  
1 6 corporation, school district, community college for the purpose  
1 7 specified in section 298.3, subsection 1, paragraph "n",  
1 8 township, or area education agency if the real property is  
1 9 within the jurisdiction of both the grantor and grantee.

1 10 Sec. 2. Section 298.3, subsection 1, Code 2011, is amended  
1 11 by adding the following new paragraph:

1 12 NEW PARAGRAPH. n. Notwithstanding the requirement that  
1 13 a school district have exclusive jurisdiction in all matters  
1 14 within the territory of the school district under section  
1 15 274.1, joint infrastructure projects with one or more school  
1 16 districts or one or more school districts and an Iowa community  
1 17 college for buildings or facilities constructed or leased for  
1 18 the purpose of offering classes under a district=to=community  
1 19 college sharing agreement or concurrent enrollment program  
1 20 that meets the requirements for funding under section 257.11,  
1 21 subsection 3.

1 22 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code  
1 23 2011, is amended to read as follows:

1 24 a. If the board of directors adopts a resolution to use  
1 25 funds received under the operation of this chapter ~~solely~~ for  
1 26 providing property tax relief by reducing indebtedness from  
1 27 the levies specified under section 298.2 or 298.18 or for the  
1 28 purpose specified in section 298.3, subsection 1, paragraph  
1 29 "n", the board of directors may approve a revenue purpose  
1 30 statement for ~~that purpose~~ such purposes without submitting the  
1 31 revenue purpose statement to a vote of the electors.

1 32 EXPLANATION

1 33 This bill authorizes the use of revenue from the regular  
1 34 and voter=approved physical plant and equipment levies to be  
1 35 expended for joint infrastructure projects with one or more



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2 1 school districts or one or more school districts and an Iowa  
2 2 community college for buildings or facilities constructed  
2 3 or leased for the purpose of offering classes under a  
2 4 district=to=community college sharing agreement or concurrent  
2 5 enrollment program that meets the requirements for funding  
2 6 under Code section 257.11(3).

2 7 The bill authorizes the board of directors of a school  
2 8 district, by resolution, to use local sales and services  
2 9 tax revenue received under Code chapter 423F for joint  
2 10 infrastructure projects with one or more school districts or  
2 11 one or more school districts and an Iowa community college for  
2 12 buildings or facilities constructed or leased for the purpose  
2 13 of offering classes under a district=to=community college  
2 14 sharing agreement or concurrent enrollment program that meets  
2 15 the requirements for funding under Code section 257.11(3),  
2 16 following approval of a revenue purpose statement, without  
2 17 submitting the revenue purpose statement approving such use of  
2 18 funds to a vote of the electors.

2 19 The bill adds community colleges to the list of entities  
2 20 that a board of directors of a school district may sell, lease,  
2 21 exchange, give, or grant, and accept any interest in real  
2 22 property to, with, or from if the real property is within the  
2 23 jurisdiction of both the grantor and grantee and it is for a  
2 24 joint infrastructure project with one or more school districts  
2 25 and an Iowa community college for buildings or facilities  
2 26 constructed or leased for the purpose of offering classes under  
2 27 a district=to=community college sharing agreement or concurrent  
2 28 enrollment program that meets the requirements for funding  
2 29 under Code section 257.11(3).

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md/sc





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**House File 82 - Introduced**

HOUSE FILE

BY DE BOEF, LOFGREN,  
CHAMBERS, HUSEMAN,  
IVERSON, FORRISTALL,  
RAYHONS, DRAKE,  
GARRETT, WORTHAN,  
PAUSTIAN, FRY, SANDS,  
DOLECHECK, BALTIMORE,  
SWEENEY, HAGER, SHAW,  
PEARSON, ALONS,  
MASSIE, and HELLAND

**A BILL FOR**

1 An Act concerning rules relating to copayments and other  
2 information regarding services provided to medical  
3 assistance recipients.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 1405YH (4) 84  
pf/nh



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1 1 Section 1. ADMINISTRATIVE RULES == COPAYMENTS FOR CERTAIN  
1 2 SERVICES PROVIDED UNDER THE MEDICAL ASSISTANCE PROGRAM. The  
1 3 department of human services shall adopt or amend rules under  
1 4 the medical assistance program to provide for all of the  
1 5 following:

1 6 1. A copayment charge shall not be applicable for a  
1 7 recipient of care as an inpatient at a hospital, nursing  
1 8 facility, state mental health institute, or other medical  
1 9 institution if the person is required, as a condition of  
1 10 receiving services in the hospital, facility, or institution,  
1 11 to spend for costs of necessary medical care all but a minimal  
1 12 amount of income for personal needs.

1 13 2. A copayment charge of five dollars shall be applicable  
1 14 for all covered services rendered in a hospital emergency  
1 15 room if the medical condition does not result in an inpatient  
1 16 admission to the hospital at the time of the emergency room  
1 17 visit or at a subsequent time.

1 18 3. The eligibility card of any recipient of medical  
1 19 assistance twenty-one years of age or older shall include a  
1 20 statement regarding the copayment charge for office visits and  
1 21 emergency room visits.

1 22 4. Any Medipass program card shall include a statement  
1 23 informing the recipient that the recipient must see the doctor  
1 24 whose name is printed on the card or receive a referral from  
1 25 such doctor in order to receive coverage for nonemergent  
1 26 medical services.

1 27 EXPLANATION

1 28 This bill directs the department of human services to adopt  
1 29 or amend rules for the medical assistance program to provide  
1 30 for all of the following:

1 31 1. That a copayment charge shall not be applicable for  
1 32 a recipient of care as an inpatient at a hospital, nursing  
1 33 facility, state mental health institute, or other medical  
1 34 institution if the person is required, as a condition of  
1 35 receiving services in the hospital, facility, or institution,



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2 1 to spend for costs of necessary medical care all but a  
2 2 minimal amount of income for personal needs. Current rules  
2 3 provide that a copayment does not apply to such care in such  
2 4 facilities, but does not specify that the copayment is only not  
2 5 applicable to care provided to an individual as an inpatient.  
2 6 2. A copayment charge of \$5 for all covered services  
2 7 rendered in a hospital emergency room if the medical condition  
2 8 does not result in an inpatient admission to the hospital at  
2 9 the time of the emergency room visit or at a subsequent time.  
2 10 Current rules provide that copayment charges are not applicable  
2 11 for emergency services.  
2 12 3. The eligibility card of any recipient of medical  
2 13 assistance 21 years of age or older is to include a statement  
2 14 of the copayment charge for office visits and emergency room  
2 15 visits.  
2 16 4. A Medipass program card is to include a statement  
2 17 informing the recipient that the recipient must see the doctor  
2 18 whose name is printed on the card or receive a referral from  
2 19 such doctor in order to receive coverage for nonemergent  
2 20 medical services.

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## House File 83 - Introduced

HOUSE FILE  
BY LUKAN

### A BILL FOR

1 An Act related to civil service employees by removing state  
2 residency requirements and modifying a city's authority to  
3 set distance or travel-based residency requirements.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1568YH (3) 84  
aw/sc



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1 1 Section 1. Section 400.17, subsection 3, Code 2011, is  
1 2 amended to read as follows:  
1 3 3. Employees shall not be required to be a resident of  
1 4 the city in which they are employed, ~~but they shall become~~  
~~1 5 a resident of the state within two years of such appointment~~  
~~1 6 or the date employment begins and shall remain a resident~~  
~~1 7 of the state during the remainder of employment. However,~~  
~~1 8 cities~~ Cities may set a reasonable maximum distance outside  
1 9 of the corporate limits of the city, or a reasonable maximum  
1 10 travel time, that police officers, fire fighters, and other  
1 11 ~~critical municipal city~~ city employees may live from their place of  
1 12 employment. ~~Each employee residing outside the state on the~~  
~~1 13 date of appointment or on the date employment begins shall take~~  
~~1 14 reasonable steps to become a resident of the state as soon as~~  
~~1 15 practicable following appointment or beginning of employment.~~

1 16 EXPLANATION

1 17 This bill relates to residency requirements for civil  
1 18 service employees.

1 19 The bill removes the requirement that civil service  
1 20 employees obtain state residency within two years of  
1 21 appointment to a position with the city, and throughout  
1 22 their employment. The bill further removes the requirement  
1 23 that employees residing outside of the state take reasonable  
1 24 actions to attain Iowa residency as soon as practicable after  
1 25 appointment.

1 26 Current law allows a city to set distance and travel=time  
1 27 limits for police, fire fighters, and other critical employees  
1 28 who live outside the city. The bill expands this authority to  
1 29 allow a city to set such limits for all nonresident employees.

LSB 1568YH (3) 84

aw/sc



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## House File 84 - Introduced

HOUSE FILE

BY DE BOEF, LOFGREN,  
CHAMBERS, HUSEMAN,  
RAYHONS, DRAKE,  
PETTENGILL, KAUFMANN,  
COWNIE, GRASSLEY,  
SODERBERG, WORTHAN,  
HAGER, S. OLSON,  
MOORE, PAUSTIAN, FRY,  
SANDS, DOLECHECK,  
HANUSA, BALTIMORE,  
SWEENEY, VAN  
ENGELLENHOVEN, SHAW,  
PEARSON, ALONS,  
MASSIE, KLEIN,  
HELLAND, and LUKAN

**A BILL FOR**

1 An Act prohibiting persons convicted of nonsupport of the  
2 person's child or ward from being present at gambling  
3 establishments, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1505YH (4) 84  
aw/nh



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1 1 Section 1. Section 726.5, Code 2011, is amended to read as  
1 2 follows:

1 3 726.5 Nonsupport.

1 4 1. A person~~7~~ who, being able to do so, fails or refuses to  
1 5 provide support for the person's child or ward under the age  
1 6 of eighteen years for a period longer than one year or in an  
1 7 amount greater than five thousand dollars commits nonsupport;  
1 8 provided that no person shall be held to have violated this  
1 9 section who fails to support any child or ward under the age of  
1 10 eighteen who has left the home of the parent or other person  
1 11 having legal custody of the child or ward without the consent  
1 12 of that parent or person having legal custody of the child or  
1 13 ward. "Support", for the purposes of this section, means any  
1 14 support which has been fixed by court order, or, in the absence  
1 15 of any such order or decree, the minimal requirements of food,  
1 16 clothing, or shelter. Nonsupport is a class "D" felony.

1 17 2. A person who has been convicted of nonsupport of a child  
1 18 or ward under this section shall not be present upon a gambling  
1 19 boat or the real property of a gambling structure or racetrack  
1 20 enclosure under chapter 99F, until all arrearages due are  
1 21 satisfied. A person who violates this subsection commits a  
1 22 simple misdemeanor.

1 23 3. Notwithstanding subsection 2, a person may be present  
1 24 upon a gambling boat or the real property of a gambling  
1 25 structure or racetrack enclosure under chapter 99F, if the  
1 26 person is there for the sole purpose of their employment.

1 27 EXPLANATION

1 28 This bill prohibits a person convicted of nonsupport of a  
1 29 child or ward, who has not paid all due arrearages, from being  
1 30 present at certain gambling establishments. A violation of  
1 31 this offense is a simple misdemeanor.

1 32 The bill provides an exception to this offense, allowing an  
1 33 individual to be present at gambling establishments for the  
1 34 sole purpose of their employment.

LSB 1505YH (4) 84

aw/nh



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## House File 85 - Introduced

HOUSE FILE  
BY HUNTER

### A BILL FOR

1 An Act requiring testing and abatement of lead hazards in  
2 certain residential dwellings and child care facilities,  
3 requiring inspections of certain residential housing for  
4 lead hazards prior to sale, establishing a childhood lead  
5 poisoning prevention and control committee, and providing a  
6 penalty.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
    TLSB 1732HH (4) 84  
    av/nh





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1 1 Section 1. NEW SECTION. 135.105E Lead hazard testing ====  
1 2 abatement ==== penalty.  
1 3 1. A person who owns or manages a residential dwelling  
1 4 which is target housing as defined in section 135.105C or owns  
1 5 or manages a child care facility licensed under chapter 237A  
1 6 shall have a lead hazard test performed on the dwelling or each  
1 7 dwelling unit or the child care facility to determine whether  
1 8 the dwelling or dwelling unit or child care facility contains  
1 9 lead-based paint, a soil-lead hazard, or a dust-lead hazard.  
1 10 If a lead hazard is found to exist, the owner or manager shall  
1 11 cause the lead hazard to be abated as required by this section.  
1 12 2. A lead inspector certified under section 135.105A shall  
1 13 perform the lead hazard test and provide a written report of  
1 14 the results of such test to each of the following:  
1 15 a. The department.  
1 16 b. The owner or manager of the residential dwelling or child  
1 17 care facility.  
1 18 c. The tenant or occupant of the residential dwelling or  
1 19 dwelling unit or parents or legal guardians of children who  
1 20 attend the child care facility.  
1 21 3. The lead inspector shall issue the written report to  
1 22 the owner or manager within two weeks of the inspection and  
1 23 receipt of any laboratory tests. If the inspector finds that  
1 24 a lead hazard is present in the dwelling or dwelling unit, or  
1 25 child care facility, or on the premises thereof, the written  
1 26 report shall notify the owner or manager that lead hazard  
1 27 abatement must be completed in a time period and manner as  
1 28 determined by the inspector. Such lead hazard abatement shall  
1 29 be performed by a lead abater certified under section 135.105A.  
1 30 If the occupant who occupies the residential dwelling or child  
1 31 who attends the child care facility at the time that this  
1 32 written report is issued vacates the residential dwelling or  
1 33 dwelling unit, or ceases attending the child care facility,  
1 34 the dwelling or dwelling unit or child care facility shall not  
1 35 be leased or occupied or attended by any other person until



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2 1 the certified inspector issues a written report that the lead  
2 2 hazard abatement has been completed.  
2 3 4. The department shall make results of lead hazard tests  
2 4 conducted pursuant to this section available to the public.  
2 5 The department shall adopt rules to implement lead hazard  
2 6 testing and lead hazard abatement in affected residential  
2 7 dwellings which are target housing or child care facilities  
2 8 which are licensed under chapter 237A.  
2 9 5. A person who violates this section is subject to a civil  
2 10 penalty not to exceed five thousand dollars for each offense.  
2 11 Sec. 2. Section 558.69, subsection 1, Code 2011, is amended  
2 12 by adding the following new paragraph:  
2 13 NEW PARAGRAPH. 0e. For housing that was built before 1978,  
2 14 that the housing has been tested by a person who has been  
2 15 certified by the department of public health to perform lead  
2 16 hazard testing and either found to have no lead hazards within  
2 17 the meaning of the federal Residential Lead-based Paint Hazard  
2 18 Reduction Act of 1992, 42 U.S.C. { 4851=4855, and amendments  
2 19 thereto, or found to meet the requirements of the maintenance  
2 20 standard. For purposes of this paragraph, "maintenance  
2 21 standard" means any of the following: repairing and repainting  
2 22 areas of deteriorated paint inside a dwelling, cleaning the  
2 23 interior of the dwelling to remove dust that constitutes a lead  
2 24 poisoning hazard, adjusting doors and windows in the dwelling  
2 25 to minimize friction or impact on surfaces, or providing  
2 26 the purchaser of the dwelling with all information required  
2 27 pursuant to the federal Residential Lead-based Paint Hazard  
2 28 Reduction Act of 1992, 42 U.S.C. { 4851=4855, and amendments  
2 29 thereto.  
2 30 Sec. 3. CHILDHOOD LEAD POISONING PREVENTION AND CONTROL  
2 31 COMMITTEE.  
2 32 1. The childhood lead poisoning prevention and control  
2 33 committee is established in the department of public  
2 34 health for the purpose of collecting information and making  
2 35 recommendations concerning childhood lead poisoning prevention



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- 3 1 and control.
- 3 2 2. The committee consists of the following persons who are
- 3 3 voting members:
- 3 4 a. The director of public health, or a designee, who shall
- 3 5 serve as chairperson.
- 3 6 b. The director of the department of natural resources, or
- 3 7 a designee.
- 3 8 c. The director of human services, or a designee.
- 3 9 d. The executive director of the Iowa finance authority, or
- 3 10 a designee.
- 3 11 e. A member who is a representative of a county health
- 3 12 department located in a county with a population of three
- 3 13 hundred thousand or more inhabitants, appointed by the governor
- 3 14 subject to confirmation by the senate.
- 3 15 f. A member who is a representative of a county health
- 3 16 department located in a county with a population of less than
- 3 17 three hundred thousand inhabitants, appointed by the governor
- 3 18 subject to confirmation by the senate.
- 3 19 g. A member who is a lead abater certified under section
- 3 20 135.105A, appointed by the governor subject to confirmation by
- 3 21 the senate.
- 3 22 h. A member who represents the general public, is an
- 3 23 inhabitant of a county with a population of three hundred
- 3 24 thousand or more inhabitants, and is the parent of a child who
- 3 25 has experienced lead poisoning, or is a child advocate who has
- 3 26 experience with lead poisoning in children, appointed by the
- 3 27 governor subject to confirmation by the senate.
- 3 28 i. A member who represents property owners and developers in
- 3 29 this state, appointed by the governor subject to confirmation
- 3 30 by the senate.
- 3 31 3. The members of the committee shall not receive
- 3 32 compensation for the performance of their duties as members but
- 3 33 each member shall be paid necessary expenses while engaged in
- 3 34 the performance of duties of the committee.
- 3 35 4. The members of the committee are subject to and are



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4 1 officials within the meaning of chapter 68B.  
4 2 5. A majority of the voting members of the committee  
4 3 constitutes a quorum. The affirmative vote of a majority of  
4 4 the voting members is necessary for any action taken by the  
4 5 committee. The majority shall not include a member who has a  
4 6 conflict of interest and a statement by a member of a conflict  
4 7 of interest is conclusive for this purpose. A vacancy in the  
4 8 voting membership of the committee does not impair the right of  
4 9 a quorum to exercise the rights and perform the duties of the  
4 10 committee.  
4 11 6. The committee shall conduct at least two public hearings  
4 12 to seek input from the general public and from groups and  
4 13 individuals that have an interest in childhood lead poisoning  
4 14 prevention and control including but not limited to physicians,  
4 15 nurses, advanced registered nurse practitioners, health  
4 16 insurers, local boards of health, hospitals, maternal and  
4 17 child health organizations, schools, rental property owners,  
4 18 general contractors, realtors, Iowa department of education,  
4 19 occupational and environmental medicine specialists, parents  
4 20 or patient advocates of children who have experienced lead  
4 21 poisoning, local housing authorities, community reinvestment  
4 22 officers, and any other individual, interest organization,  
4 23 or association concerned with the prevention, treatment, and  
4 24 control of childhood lead poisoning.  
4 25 a. The first public hearing shall be held within sixty days  
4 26 after the commission has been appointed.  
4 27 b. The committee may hold additional public hearings as it  
4 28 determines necessary or appropriate to carry out its duties  
4 29 under this section.  
4 30 7. The committee shall complete its deliberations in  
4 31 December 2011, and submit a final report to the general  
4 32 assembly on or before January 15, 2012, summarizing the  
4 33 committee's activities, analyzing the issues studied, making  
4 34 recommendations that will aid in the prevention, treatment,  
4 35 and control of childhood lead poisoning in this state, and



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5 1 including any other information that the committee deems  
5 2 relevant and necessary.

5 3 EXPLANATION

5 4 This bill requires testing and abatement of lead hazards  
5 5 in certain residential dwellings and child care facilities,  
5 6 requires inspections of certain residential housing for  
5 7 lead hazards prior to its sale, establishes a childhood lead  
5 8 poisoning prevention and control committee, and provides a  
5 9 penalty.

5 10 New Code section 135.105E requires that a person who owns  
5 11 or manages a residential dwelling which meets the definition  
5 12 of target housing or owns or manages a child care facility  
5 13 licensed under Code chapter 237A must have a lead hazard test  
5 14 performed on the dwelling or dwelling unit or child care  
5 15 facility to determine the presence of a lead-based paint, a  
5 16 soil-lead hazard, or a dust-lead hazard. "Target housing" is  
5 17 defined under Code section 135.105C to mean housing constructed  
5 18 prior to 1978, with the exception of housing for the elderly  
5 19 or for persons with disabilities, and housing that does not  
5 20 contain a bedroom, unless at least one child under six years of  
5 21 age resides or is expected to reside in the housing.

5 22 The bill requires that a lead inspector certified under Code  
5 23 section 135.105A must perform a lead hazard test and report the  
5 24 results of the test to the department of public health, the  
5 25 owner or manager of the residential dwelling or dwelling unit  
5 26 or child care facility, and to the tenant or occupant of the  
5 27 dwelling or parents or legal guardians of a child who attends  
5 28 the child care facility.

5 29 The lead inspector must issue a written report to the owner  
5 30 or manager within two weeks of the inspection and receipt of  
5 31 any laboratory tests. If the inspector finds that a lead  
5 32 hazard is present, the report shall notify the owner or manager  
5 33 of that fact and that the hazard must be abated in a time and  
5 34 manner determined by the inspector. Such lead abatement must  
5 35 be performed by a lead abater certified under Code section



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6 1 135.105A.

6 2       Lead hazard test results must be available to the public.  
6 3 The department of public health is directed to adopt rules  
6 4 to implement lead hazard testing and abatement in affected  
6 5 buildings. A person who violates the provisions of the new  
6 6 Code section is subject to a civil penalty not to exceed \$5,000  
6 7 for each offense.

6 8       The bill also amends Code section 558.69 to provide that  
6 9 each declaration of value submitted to the county recorder in  
6 10 connection with a real estate transfer of housing built before  
6 11 1978 must include a statement that the housing has been tested  
6 12 for lead hazards by a certified inspector and either is free  
6 13 of such hazards within the meaning of the federal Residential  
6 14 Lead-based Paint Hazard Reduction Act of 1992, 42 U.S.C. {  
6 15 4851-4855, and amendments thereto, or meets the requirements  
6 16 of the maintenance standard. "Maintenance standard" means  
6 17 any of the following: repairing and repainting areas of  
6 18 deteriorated paint inside a dwelling, cleaning the interior of  
6 19 the dwelling to remove dust that constitutes a lead poisoning  
6 20 hazard, adjusting doors and windows in the dwelling to minimize  
6 21 friction or impact on surfaces, or providing the purchaser of  
6 22 the dwelling with all information required pursuant to the  
6 23 federal Act, and amendments thereto.

6 24       The bill also establishes the childhood lead poisoning  
6 25 prevention and control committee in the department of public  
6 26 health for the purpose of collecting information and making  
6 27 recommendations concerning childhood lead poisoning prevention  
6 28 and control. The committee consists of nine voting members  
6 29 representing specified state and local government agencies, a  
6 30 certified lead abater, a member of the public who lives in a  
6 31 county with a population of 300,000 or more inhabitants and  
6 32 is the parent of a child who has experienced lead poisoning  
6 33 or is a child advocate with experience with childhood lead  
6 34 poisoning, and a member who represents property owners and  
6 35 developers in this state. Members of the committee do not



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7 1 receive compensation for performance of their duties but do  
7 2 receive necessary expenses for that performance.  
7 3     The committee is directed to conduct at least two public  
7 4 hearings to seek input from the general public and from  
7 5 groups and individuals that have an interest in childhood lead  
7 6 poisoning prevention and control. The first public hearing  
7 7 must be held within 60 days after appointment of the committee.  
7 8     The committee is required to complete its deliberations in  
7 9 December 2011, and to submit a final report to the general  
7 10 assembly by January 15, 2012, summarizing its activities,  
7 11 analyzing the issues studied, making recommendations that will  
7 12 aid in the prevention, treatment, and control of lead poisoning  
7 13 in this state, and including any other information that the  
7 14 committee deems relevant and necessary.



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**House File 86 - Introduced**

HOUSE FILE  
BY KOESTER and  
ABDUL-SAMAD

**A BILL FOR**

1 An Act requiring school districts and accredited nonpublic  
2 schools to prohibit the use of cigarettes and tobacco and  
3 certain nicotine products in schools, on school grounds, in  
4 school vehicles, and at off-campus school-related indoor  
5 events.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1480YH (3) 84  
kh/nh





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House File 86 - Introduced continued

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1 1 Section 1. Section 260C.14, subsection 3, Code 2011, is  
1 2 amended to read as follows:  
1 3 3. Have the powers and duties with respect to community  
1 4 colleges, not otherwise provided in this chapter, which are  
1 5 prescribed for boards of directors of local school districts by  
1 6 chapter 279 except that the board of directors is not required  
1 7 to prohibit the use of tobacco and the use or possession of  
1 8 alcoholic liquor or beer by any student of legal age under the  
1 9 provisions of section 279.9.

1 10 Sec. 2. Section 279.9, Code 2011, is amended to read as  
1 11 follows:

1 12 279.9 Use of ~~tobacco~~, alcoholic beverages, or controlled  
1 13 substances.

1 14 The board of directors of each school district shall adopt  
1 15 rules ~~shall prohibit~~ prohibiting the use of ~~tobacco and the~~  
1 16 ~~use~~ or possession of alcoholic liquor, wine, or beer or any  
1 17 controlled substance as defined in section 124.101, subsection  
1 18 5, by any student of the schools and the board may suspend  
1 19 or expel a student for a violation of a rule ~~under~~ adopted  
1 20 pursuant to this section.

1 21 Sec. 3. NEW SECTION. 280.18 Tobacco and nicotine use  
1 22 prohibition.

1 23 1. The board of directors of each public school district  
1 24 and the authorities in charge of each nonpublic school shall  
1 25 prohibit a person from using a cigarette or a tobacco product,  
1 26 as defined in section 453A.1, or a nicotine product at any time  
1 27 at any of the following locations:

1 28 a. In a school building or other school facility under the  
1 29 control of the school district or nonpublic school, including  
1 30 any facility that is owned, rented, or leased by the school  
1 31 district or nonpublic school.

1 32 b. On grounds that are owned, rented, or leased by the  
1 33 school district or nonpublic school, including athletic fields  
1 34 and parking lots.

1 35 c. In a vehicle owned, leased, rented, contracted for, or



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2 1 controlled by the school district or nonpublic school.  
2 2 d. At school=sponsored or school=related indoor events that  
2 3 are held off campus.  
2 4 2. As used in this section, "nicotine product" means any  
2 5 product containing nicotine or any other preparation of tobacco  
2 6 not described in section 453A.1, and any product or formulation  
2 7 of matter containing biologically active amounts of nicotine  
2 8 that is manufactured, sold, offered for sale, or otherwise  
2 9 distributed with the expectation that the product or matter  
2 10 will be introduced into the human body. "Nicotine product"  
2 11 does not include any product specifically approved by the  
2 12 United States food and drug administration for use in treating  
2 13 nicotine or tobacco dependence.

2 14 EXPLANATION

2 15 This bill requires the board of directors of each public  
2 16 school district and the authorities in charge of each  
2 17 accredited nonpublic school to prohibit a person from using a  
2 18 cigarette or a tobacco or nicotine product at any time while in  
2 19 a school building or other school facility under the control  
2 20 of the school district or nonpublic school, or a facility  
2 21 that is owned, rented, or leased by the school district  
2 22 or nonpublic school; on grounds that are owned, rented, or  
2 23 leased by the school district or nonpublic school, including  
2 24 athletic fields and parking lots; in a vehicle owned, leased,  
2 25 rented, contracted for, or controlled by the school district  
2 26 or nonpublic school; and at school=sponsored or school=related  
2 27 indoor events that are held off campus.

2 28 The bill defines "nicotine product" as any product  
2 29 containing nicotine or any other preparation of tobacco  
2 30 not described in Code section 453A.1, and any product or  
2 31 formulation of matter containing biologically active amounts  
2 32 of nicotine that is manufactured, sold, offered for sale, or  
2 33 otherwise distributed with the expectation that the product or  
2 34 matter will be introduced into the human body, but does not  
2 35 include any product specifically approved by the U.S. food and



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- 3 1 drug administration for use in treating nicotine or tobacco
- 3 2 dependence.



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## House File 87 - Introduced

HOUSE FILE

BY DE BOEF, LOFGREN,  
CHAMBERS, HUSEMAN,  
FORRISTALL, RAYHONS,  
DRAKE, SODERBERG,  
WORTHAN, FRY,  
DOLECHECK, HANUSA, VAN  
ENGELLENHOVEN, HAGENOW,  
SHAW, PEARSON, ALONS,  
MASSIE, HELLAND, and  
LUKAN

**A BILL FOR**

1 An Act revising appropriations and allocations for certain  
2 health and human services, and including effective date and  
3 retroactive applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1401YH (4) 84

pf/nh



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House File 87 - Introduced continued

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1 1 Section 1. 2010 Iowa Acts, chapter 1192, section 2,  
1 2 subsection 4, paragraph g, subparagraph (2), is amended to read  
1 3 as follows:

1 4 (2) For distribution to the Iowa family planning network  
1 5 agencies for necessary infrastructure, statewide coordination,  
1 6 provider recruitment, service delivery, and provision of  
1 7 assistance to patients in determining an appropriate medical  
1 8 home:

1 9 ..... \$ 74,517

1 10 The amount allocated in this subparagraph shall be reduced  
1 11 by the amount allocated to any entity that provides abortions  
1 12 in the state.

1 13 Sec. 2. 2010 Iowa Acts, chapter 1192, section 11, unnumbered  
1 14 paragraph 2, is amended to read as follows:

1 15 For medical assistance reimbursement and associated costs  
1 16 as specifically provided in the reimbursement methodologies  
1 17 in effect on June 30, 2010, except as otherwise expressly  
1 18 authorized by law, including reimbursement for abortion  
1 19 services which shall be available under the medical assistance  
1 20 program only for those abortions which are medically necessary:

1 21 ..... ~~\$412,546,344~~  
1 22 411,546,344

1 23 Sec. 3. 2010 Iowa Acts, chapter 1192, section 11, is amended  
1 24 by adding the following new subsection:

1 25 NEW SUBSECTION. 25. The reduction in the amount of the  
1 26 appropriation made in this section for FY 2010=2011 by this  
1 27 2011 Iowa Act shall be implemented by reducing the amount paid  
1 28 by the department to any entity that provides abortions in the  
1 29 state.

1 30 Sec. 4. 2010 Iowa Acts, chapter 1192, section 19, subsection  
1 31 1, is amended to read as follows:

1 32 1. There is appropriated from the general fund of the  
1 33 state to the department of human services for the fiscal year  
1 34 beginning July 1, 2010, and ending June 30, 2011, the following  
1 35 amount, or so much thereof as is necessary, to be used for the



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2 1 purpose designated:  
2 2     For child and family services:  
2 3 ..... \$ ~~79,593,023~~  
2 4 ..... 79,221,645  
2 5     Sec. 5. 2010 Iowa Acts, chapter 1192, section 19, is amended  
2 6 by adding the following new subsection:  
2 7     NEW SUBSECTION. 23. The reduction in the amount of the  
2 8 appropriation made in this section for FY 2010=2011 by this  
2 9 2011 Iowa Act shall be implemented by reducing the amount  
2 10 paid by the department from this appropriation for community  
2 11 adolescent pregnancy prevention grants and family planning  
2 12 programs to any entity that provides abortions in the state.  
2 13     Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
2 14 immediate importance, takes effect upon enactment.  
2 15     Sec. 7. RETROACTIVE APPLICABILITY. This Act applies  
2 16 retroactively to July 1, 2010.  
2 17                     EXPLANATION  
2 18     This bill reduces appropriations for FY 2010=2011 under the  
2 19 purview of the department of human services and the department  
2 20 of public health.  
2 21     The bill directs that the allocation to the Iowa  
2 22 collaborative safety net provider network for allocation to  
2 23 Iowa family planning network agencies under the community  
2 24 capacity appropriation to the department of public health is to  
2 25 be reduced by the amount allocated to any entity that provides  
2 26 abortions in the state.  
2 27     The bill reduces the appropriations to the department of  
2 28 human services for medical assistance and for child and family  
2 29 services and the department is directed to implement the  
2 30 reduction by reducing the amount paid by the department to any  
2 31 entity that provides abortions in the state.  
2 32     The bill takes effect upon enactment and is retroactively  
2 33 applicable to July 1, 2010.  
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pf/nh



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House Joint Resolution 9 - Introduced

HOUSE JOINT RESOLUTION  
BY ISENHART, GASKILL,  
SWAIM, STECKMAN,  
KEARNS, KELLEY,  
HUNTER, LENSING,  
WESSEL-KROESCHELL,  
HANSON, WOLFE,  
WILLEMS, WITTNEBEN,  
GAINES, WENTHE, T.  
TAYLOR, M. SMITH, and  
ABDUL-SAMAD

HOUSE JOINT RESOLUTION

1 A Joint Resolution requesting the call of a constitutional  
2 convention in order to propose an amendment to the  
3 Constitution of the United States to allow Congress and the  
4 states to prohibit or otherwise regulate the expenditure  
5 of funds for political speech by any corporation, limited  
6 liability company, or other corporate entity.  
7 WHEREAS, by a ruling of the United States supreme court,  
8 a corporation, limited liability company, or other type of  
9 corporate entity is now accorded greater rights of political  
10 activity than was previously lawful; and  
11 WHEREAS, those rights now allow a corporation, a limited  
12 liability company, or other type of corporate entity to use  
13 general treasury funds to make independent expenditures for  
14 electioneering communications or for speech that expressly  
15 advocates the election or defeat of a candidate for public  
16 office; and  
17 WHEREAS, this ruling overturns a century of legislative  
18 and judicial determinations making a distinction between the  
19 political free speech of natural persons and political activity  
20 by corporate entities; and  
21 WHEREAS, a corporate entity has far greater economic  
22 resources than does a natural person and may use those  
23 resources to advance political ideas; and  
24 WHEREAS, restriction and regulation of corporate political  
25 activity is essential to prevent domination of the political  
26 process by corporate entities; NOW THEREFORE,  
27 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 1275YH (9) 84  
jr/rj



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1 1 That pursuant to Article V of the Constitution of the United  
1 2 States, the general assembly, as the legislature of the state  
1 3 of Iowa, makes application to the Congress of the United States  
1 4 to call a convention for the specific and exclusive purpose  
1 5 of proposing an amendment to the Constitution of the United  
1 6 States, for submission to the states for ratification.

1 7 BE IT FURTHER RESOLVED, That if, within sixty days after the  
1 8 legislatures of two-thirds of the states make application for  
1 9 such convention, Congress proposes and submits to the states  
1 10 for ratification an amendment to the Constitution of the United  
1 11 States which empowers Congress and the states to regulate the  
1 12 expenditure of funds for political speech by any corporation,  
1 13 limited liability company, or other corporate entity, in a  
1 14 manner substantially similar to the manner contained in this  
1 15 Joint Resolution, then this application for a convention shall  
1 16 no longer be of any force and effect.

1 17 BE IT FURTHER RESOLVED, That if the convention is not  
1 18 limited to the specific and exclusive purposes of this Joint  
1 19 Resolution, this application and request shall be null and  
1 20 void, and shall be rescinded and of no effect.

1 21 BE IT FURTHER RESOLVED, That this application constitutes  
1 22 a continuing application in accordance with Article V of the  
1 23 Constitution of the United States, until at least two-thirds of  
1 24 the legislatures of the several states have made application  
1 25 for a similar convention under Article V, or the Congress has  
1 26 proposed the amendment called for by this Joint Resolution, or  
1 27 the general assembly acts to withdraw this application.

1 28 "ARTICLE

1 29 SECTION 1. The sovereign right of the people to govern  
1 30 being essential to a free democracy, Congress and the states  
1 31 may prohibit or otherwise regulate the expenditure of funds for  
1 32 political speech by any corporation, limited liability company,  
1 33 or other corporate entity.

1 34 SEC. 2. Nothing contained in this article shall be construed  
1 35 to abridge the freedom of the press."; and





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2 1 BE IT FURTHER RESOLVED, That the secretary of state  
2 2 shall transmit certified copies of this Joint Resolution  
2 3 to the president and secretary of the United States  
2 4 senate, the speaker and clerk of the United States house of  
2 5 representatives, the presiding officer in each house of the  
2 6 legislature in each of the states in the union, and each member  
2 7 of the Iowa congressional delegation.

2 8 EXPLANATION

2 9 This joint resolution constitutes a petition requesting the  
2 10 United States Congress to call a constitutional convention in  
2 11 order to propose an amendment to the Constitution of the United  
2 12 States and submit it to the states to allow Congress and the  
2 13 states to prohibit or regulate the expenditure of funds for  
2 14 political speech by any corporation, limited liability company,  
2 15 or other corporate entity.

LSB 1275YH (9) 84

jr/rj